

By: Farrar

H.B. No. 42

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to notice to parents of public school students regarding  
3 human sexuality instruction to reduce the demand for abortion.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The legislature finds that:

6 (1) Texas led the nation in 2010 in the rate of teenage  
7 girls who had second children, according to the Centers for Disease  
8 Control and Prevention;

9 (2) approximately 22 percent of births in Texas and  
10 18.3 percent of births in the United States by girls age 15 to 19  
11 were repeat births in 2010, compared to 19.5 percent in the United  
12 States in 2007;

13 (3) an estimated 80 percent of teen births are  
14 unintended and cost American taxpayers approximately \$11 billion a  
15 year and cost Texas taxpayers \$1.2 billion in 2008, according to the  
16 National Campaign to Prevent Teen and Unplanned Pregnancy;

17 (4) the only certain way to avoid the termination of an  
18 unwanted pregnancy is to prevent the unwanted pregnancy;

19 (5) the state has a compelling state interest in  
20 ensuring that there is appropriate knowledge of how a pregnancy  
21 occurs and how a pregnancy can be avoided;

22 (6) according to the Centers for Disease Control and  
23 Prevention, effective strategies to reduce teen pregnancy include  
24 evidence-based sex education that provides accurate information

1 and supports the needs of teens throughout their development; and

2 (7) the state has a compelling state interest in  
3 ensuring that parents are informed of the type of human sexuality  
4 instruction their child is receiving in school.

5 SECTION 2. Section 28.004, Education Code, is amended by  
6 amending Subsection (i) and adding Subsection (p) to read as  
7 follows:

8 (i) Before each school year, a school district shall provide  
9 written notice to a parent of each student enrolled in the district  
10 of the board of trustees' decision regarding whether the district  
11 will provide human sexuality instruction to district students. If  
12 instruction will be provided, the notice must include:

13 (1) a summary of the basic content of the district's  
14 human sexuality instruction to be provided to the student,  
15 including a statement informing the parent that the instruction is  
16 required by [of the instructional requirements under] state law to:

17 (A) present abstinence from sexual activity as  
18 the preferred choice of behavior in relationship to all sexual  
19 activity for unmarried persons of school age; and

20 (B) devote more attention to abstinence from  
21 sexual activity than to any other behavior;

22 (2) a statement of whether the instruction is  
23 considered by the district to be abstinence-only instruction or  
24 comprehensive instruction, including an explanation of the  
25 difference between those types of instruction and a specific  
26 statement regarding whether the student will receive information on  
27 contraception;

1           (3) [~~(2)~~] a statement of the parent's right to:

2                   (A) review curriculum materials as provided by  
3 Subsection (j); and

4                   (B) remove the student from any part of the  
5 district's human sexuality instruction without subjecting the  
6 student to any disciplinary action, academic penalty, or other  
7 sanction imposed by the district or the student's school; and

8           (4) [~~(3)~~] information describing the opportunities  
9 for parental involvement in the development of the curriculum to be  
10 used in human sexuality instruction, including information  
11 regarding the local school health advisory council established  
12 under Subsection (a).

13           (p) In this section, "abstinence-only instruction" means  
14 instruction that does not include information about preventing  
15 pregnancy, sexually transmitted diseases, infection with human  
16 immunodeficiency virus, or acquired immune deficiency syndrome  
17 through any means other than total abstinence from sexual activity.

18           SECTION 3. This Act applies beginning with the 2013-2014  
19 school year.

20           SECTION 4. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect on the 91st day after the last day of the  
25 legislative session.